

III. REMARKS

1. Claim 12 is amended.
2. Applicants respectfully submit that claims 1, 2, 4-8, 10-17 and 19-22 are patentable over the combination of Bush et al. (US 6,397,186, "Bush") and Taylor et al. (US 5,769,527, "Taylor") under 35 USC 103(a). Claim 1 recites the detected control information is identified and a determination is automatically made as to which application device the detected control information is associated with where if the detected control information is associated with a single application device, a control corresponding to the detected control information is executed in the application device, and if the detected control information is associated with more than one application device, a prompt for selection of an application device to which the detected control information is to be associated is provided, wherein upon selection of the application device, a control corresponding to the detected control information is executed in the application device. These features are not disclosed or suggested by the combination of Bush and Taylor.

The Examiner asserts that Bush teaches the detected control information is identified and a determination is automatically made as to which application device the detected control information is associated with through reference to column 5, lines 23-32 and column 22, lines 42-47 of Bush. However, nowhere in these cited sections nor anywhere else in Bush are the above-noted features of Applicant's claim 1 disclosed or suggested.

The Examiner appears to be reading the references and merely picking out portions of the references that use the same or similar words to those in Applicant's claims and using those portion of the references out of context with disregard to what is actually being taught by the references. The Examiner is reminded that a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984) (MPEP § 2141.02 (VI)). It is absolutely clear that if Bush is read as a whole that the feature "the detected control information is identified and a determination is automatically made as to which application device the detected control information is associated with ..." recited in Applicant's claim 1 is not disclosed or suggested by Bush.

Column 5, lines 23-32, upon which the Examiner relies, pertains to nothing more than the "macro programming" feature of Bush. Column 5, lines 23-32 of Bush merely discloses that in one example "a user may desire that the response to the voice command 'Video' is for the invention to issue commands to turn a TV power on, wait for the TV to warm up until it is ready to receive control signals, such as infrared signals, set the channel to '3,' select the VCR for control, turn on the VCR, and execute the VCR's play function. As another example, the user may desire that the response to the user-trained voice command 'Sports' is for the invention to issue commands to a TV to turn to channel 123." This string of commands is nothing more than a description of the execution of a macro in which all appliances to be activated are previously identified by the user and stored in a program. This program is then executed through the recognition of the macro name. As is clearly disclosed in Bush, during the setting up of the macro the user indicates which appliances will be controlled. Bush specifically discloses that the appliance category name is identified during the execution of the appliance category selection routine (Col. 42, L. 11-25). A macro name is then trained by the user (Col. 42, L. 28-32). Once the macro name is identified the speech recognition circuit controller 60 executes software to enter a default recognition vocabulary set that enables the user to navigate the recognition vocabulary structure via spoken commands to identify a voice command for which the associated instruction is to be stored within the read/write memory 54 location associated with the macro name voice command (Col. 43, L. 16-26). Activation of more than one appliance can be made through a macro by identifying each appliance and the string of commands to be executed by the appliance (Col. 44, L. 55 – Col. 46, L. 32). Thus, a macro is nothing more than the execution of a string of commands previously defined by the user in which each device to be activated is identified by the user and stored within the macro. Thus, the description of the macro in column 5, lines 23-32 can in no way disclose or suggest "the detected control information is identified and a determination is automatically made as to which application device the detected control information is associated with ..." as recited in Applicant's claim 1.

Column 22, lines 42-47 merely recites that if "a match for the acquired pattern is not identified in a step S514, the value of the recognition error counter is incremented by one and the value of TMAX is reset to zero in step S515 and the red light-emitting diode 52c illuminates briefly to provide a visual indicator to the operator that no match was identified in step S516." This is merely a description of a time out period for acquiring a match to a voice pattern and nothing more where a red light-emitting diode is illuminated to indicate to the user that the voice pattern was not recognized. Column 22, lines 42-47 in no way disclose or suggest "the detected control

information is identified and a determination is automatically made as to which application device the detected control information is associated with ..." as recited in Applicant's claim 1.

In Bush an appliance can be activated/controlled only after the user identifies that appliance. It is this identification of the appliance that makes the recognition vocabulary set for the identified appliance available to the user. Bush specifically discloses that the system awaits detection and recognition of one of the default menu words associated with a selected target appliance (Col. 45, L. 64-67). Control functions for the target appliance can then be activated via voice commands (Col. 46, L. 1-2). Bush clearly recites that "[o]nce an appliance has been selected, its default menu remains the active recognition vocabulary set until changed by the user" (Col. 45, L. 3-5). Accordingly, if the television is the selected appliance and the user in Bush speaks a command for the VCR, the VCR command will not be recognized because the television recognition vocabulary set would be the active vocabulary set. In order to use the VCR the user in Bush must change the active vocabulary recognition set by selecting or identifying the VCR. Thus, it is clear when Bush is considered as a whole that before any appliance can be activated/controlled that appliance must be identified by the user before the system of Bush will make the recognition vocabulary set for the identified appliance available to the user. As such, Bush simply cannot disclose or suggest "the detected control information is identified and a determination is automatically made as to which application device the detected control information is associated with ..." as recited in Applicant's claim 1.

Combining Bush with Taylor fails to remedy the above-described deficiency of Bush. Taylor is absolutely silent as to "the detected control information is identified and a determination is automatically made as to which application device the detected control information is associated with ..." as recited in Applicant's claim 1. All that is disclosed in Taylor is that a reasoning engine evaluates voice commands by referring to the show file, which contains a three dimensional model of the lighting system and a data base of parameter data sets (cue data) for lamp units modeled therein (Col. 64, L. 42-53). The show file also includes the objects to be illuminated (Col. 54, L. 36-39). Thus, in Taylor all of the data for illuminating the lamps is previously defined by the operator. The questions posed by the reasoning engine (see e.g. Col. 65, L. 65 – Col. 66, L. 10) in the case of ambiguities only arises in Taylor when the operator is programming the lighting system (Col. 65, L. 49-57).

Thus, because Bush and Taylor individually fail to disclose or suggest "the detected control information is identified and a determination is automatically made as to which application device the detected control information is associated with where if the detected control information is associated with a single application device, a control corresponding to the detected control information is executed in the application device, and if the detected control information is associated with more than one application device, a prompt for selection of an application device to which the detected control information is to be associated is provided, wherein upon selection of the application device, a control corresponding to the detected control information is executed in the application device" as recited in Applicant's claim 1, their combination cannot as well. Therefore, claim 1 is patentable over the combination of Bush and Taylor.

Claims 10, 12, 14 and 22 are patentable over the combination Bush and Taylor for reasons that are substantially similar to those described above with respect to claim 1. Claims 2, 4-8, 11, 13, 15-17, 19 and 20 are patentable at least by reason of their respective dependencies.

3. Applicants respectfully submit that claims 3 and 18 are patentable over the combination of Bush, Taylor and Houser et al. (US 5,774,859, "Houser") under 35 USC 103(a). Claims 3 and 18 depend from claims 1 and 14. The combination of Bush and Taylor does not disclose or suggest all of the features of claims 1 and 14 for the reasons described above. As such, the combination of Bush and Taylor with Houser cannot disclose all of the features of claims 1 and 14 as well. Therefore, claims 3 and 18 are patentable at least by reason of their respective dependencies.

Further, claim 3 recites upon determining that the detected control information which is associated with more than one application device, providing a list of application devices with which the detected control information is associated, and allowing selection of one of the application devices on the list. The Examiner admits that Bush and Taylor does not disclose this feature of claim 3 but asserts that column 19, lines 44-46 of Houser does. Column 19, lines 44-46 of Houser merely recites that "[i]f the top two recognition options have comparable likelihoods, the user is informed what the two options are and is asked to select one over the other." This cited portion of Houser merely pertains to remedying the mis-recognition of a command and nothing more. Again, the Examiner is picking pieces of the reference and applying those pieces out of context in the rejection with disregard to the actual teachings of the

reference. If the entirety of the paragraph in which this cited portion of Houser is read it is clear that Houser does not disclose or suggest the features of claim 3. Column 19, L. 27-60 describes what happens when a comparison between a spoken sound and words in the phonemic data of the vocabulary do not match (i.e. the spoken command is not recognized). Where the spoken command is not recognized one or more of several actions occurs. The actions include indicating to the user that the command was not recognized and to prompt the user to repeat the command, selecting a similar sounding command if the command is repeated nonsensically, and presenting the user recognition options that have comparable likelihoods of being the correct command. This is clearly not the same as "upon determining that the detected control information which is associated with more than one application device, providing a list of application devices with which the detected control information is associated, and allowing selection of one of the application devices on the list" as is recited in Applicant's claim 3. Thus, claim 3 is patentable for this additional reason.

4. Applicants respectfully submit that claim 9 is patentable over the combination of Bush, Taylor and Osawa et al. (GB 2275800, "Osawa") under 35 USC 103(a). Claim 9 depends from claim 1. The combination of Bush and Taylor does not disclose or suggest all of the features of claim 1 for the reasons described above. As such, the combination of Bush and Taylor with Osawa cannot disclose all of the features of claim 1 as well. Therefore, claim 9 is patentable at least by reason of its respective dependency.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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